

REMARKS

Claims 1 and 3-12 are pending in this application. Claims 1 and 3-12 stand rejected. By this Amendment, claim 2 has been cancelled without prejudice and the remaining claims have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraphs 1-11 recite various objections to the claims. Applicant has amended the claims in light of the Examiner's comments. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objections.

Claims 1-3, 5-9 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,975,626. Applicant respectfully requests reconsideration and withdrawal of this rejection. Further, Applicant notes that claim 2 has been canceled thereby rendering this rejection moot at least with respect to that claim.

Among the limitations of independent claim 1 and its dependent claims not present in the cited reference is that the "low order path is set between any two of said first node types and said high order path is set between any two of said second node types."

As explicitly recited in Applicant's claim, two node types are present in Applicant's system. A first node type for switching a path having a predetermined bandwidth and a second node having a path for switching the lower order path, a high

bandwidth, and multiplexing means. Further, low order paths are set between the first node type and high order paths are set between the second node type.

In Eberle, as shown in Figure 1, any node type communicates with any channel as shown by the crossed lines as well as the straight lines exiting and entering the high bandwidth and low bandwidth channels. Thus, Eberle fails to anticipate claim 1 or its dependent claims.

Claims 8 and 9 both recite the first and second node types not present in Eberle. As discussed above, a first node type is adapted to switch paths having a predetermined bandwidth whereas a second node type has a switch for switching low order paths, larger bandwidth paths, and means for multiplexing and low order paths. This feature is not present in Eberle.

Again, referring to Figure 1, there is no node which does not communicate with any other node via any path. Therefore, the explicitly recited limitations of the claims whereby nodes are adapted for certain tasks is not shown in Eberle. As such, each of these claims is allowable over Eberle.

Claims 4, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eberle. Applicant respectfully requests reconsideration and withdrawal of this rejection. As discussed above, Eberle fails to disclose the first and second node types explicitly recited in the claims. Therefore, Applicant respectfully submits that claims 4, 10, and 11 are allowable over Eberle.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: May 24, 2006

Respectfully submitted,

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